

Item No.28

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.04.2023
Ct-24

WPA 21315 of 2022
Pratap Mukhi

v.

The State of West Bengal & Ors.

Mr. Tushar Sinha
Mr. Pranab Kumar Das
... for the petitioner.

Mr. Sujay Bandyopadhyay
Mr. Shambhu Mahato
Mr. Pradipta Siddhanta
... for the Municipality.

Ms. Ananya Neogi
... for the State.

Affidavit-of-service filed in Court today be taken on record.

The petitioner is serving in the Midnapore Municipality on and from November 7, 2000 as an unapproved employee.

The petitioner prays for a direction upon the respondent authority to take steps for approval of his appointment.

Learned advocate representing the Municipality submits that in terms of the order dated February 6, 2023 issued by the Department of Urban Development & Municipal Affairs (Municipal Affairs Branch) the documents of the employees who are serving the Municipality as unapproved staff have been forwarded to the Director of Local Bodies by communication dated

March 1, 2023. Presently it is for the Director of Local Bodies to take a decision with regard to the approval of the appointment of the petitioner.

As it appears that the Municipality has already forwarded all documents of the petitioner to the Director of Local Bodies vide Memo No. 5747/GA dated March 1, 2023, accordingly, the instant writ petition is disposed of by directing the Director of Local Bodies being the respondent no. 3 herein to take a decision with regard to the prayer of the petitioner for according post-facto approval of his service in accordance with the relevant laws, Government Orders/circulars covering the field.

A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the prayer of the petitioner.

Learned advocate for the petitioner is directed to forward a copy of the report dated August 22, 2022 and the letter of the Executive Officer, Midnapore Municipality addressed to the Director of Local Bodies, West Bengal dated March 1, 2023 at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)